REMARKS

It is noted that the instant Office Action objects to the Specification of the instant Application.

It is further noted that Claims 1-10 are currently pending, and that the instant Office Action rejects Claims 1-10.

SPECIFICATION

The instant Office Action objects to the specification of the instant Application "as failing to provide proper antecedent basis for the claimed subject matter." See the instant Office Action, section 2, page 2, citing 37 CFR 1.75(d)(1) and MPEP § 608.01(o). In particular, the instant Office Action states:

> Regarding claims 1-10, "first display screen", "first position", "second display screen", and "second position" are [sic???] described in the specification as submitted originally.

See the instant Office Action, section 2, page 2.

Applicants note that an antecedent basis for the presented claim language is required to exist in the specification of a filed application. See, *e.g.*, 37 CFR § 1.75(d)(1). However, Applicants respectfully submit that a verbatim, antecedent basis for the presented claim language need not exist in the specification. As the Federal Circuit explained in *Purdue Pharma L.P. v. Faulding Inc.*, 230 F.3d 1320, 6 USPQ2d 1481, 1483 (Fed. Cir. 2000):

> In order to satisfy the written description requirement, the disclosure as originally filed does not have to provide in haec verba support for the claimed subject matter at issue.

Id., citing *Fujikawa v. Wattanasin*, 93 F.3d 1559, 1570, 39 USPQ2d 1895, 1904 (Fed. Cir. 1996) (emphasis added). See also MPEP § 2173.05(e), which states:

> The mere fact that a term or phrase used in the claim has no antecedent basis in the specification disclosure does not mean, necessarily, that the term or phrase is indefinite. There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

Additionally, Applicants respectfully note the following:

> drawings alone may provide a written description of an invention as required by [35 U.S.C.] § 112. ... Drawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed.

Cooper Cameron Corp. v. Kvaerner Oilfield Prods., 291 F.3d 1317, 62 USPQ2d 1846, 1850 (Fed. Cir. 2002).

Turning now to the features at issue, Applicants respectfully submit that the features "first display screen" and "second display screen" are described in the instant Application. For example, Applicants respectfully point out that the features "first display screen" and "second display screen" are described at least in Figures 1-10 of the instant Application, wherein display panel 7 and display unit 10 are illustrated. See also, *e.g.*, the instant Application, page 3, paragraphs [0033] and [0061] (as published).

Moreover, Applicants respectfully submit that the features "first position" and "second position" are described in the instant Application. For example, Applicants

respectfully point out that the features "first position" and "second position" are described at least in Figures 2 and 7 of the instant Application, wherein display panel 7 is shown to be moveable to different positions. See also, *e.g.*, the instant Application, page 3, paragraphs [0045] and [0053] (as published).

For at least the foregoing rationale, Applicants respectfully submit that the features at issue are presented with a reasonable degree of clarity and precision so as to clearly define the metes and bounds of Claims 1-10, in view of the Specification of the instant Application. Accordingly, Applicants respectfully request that the objection to the Specification of the instant Application be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Hirano

The instant Office Action states that Claims 1 and 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Patent No. 6,570,628).

It is noted that independent Claim 1, and similarly independent Claims 9 and 10, recites the features (emphasis added):

> An apparatus comprising:
> a first display screen configured for movement between a first position and a second position, wherein the first display screen at least partially covers a control switch and/or a second display screen when the first display screen is in the second position; and
> a control device configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position.

Applicants have reviewed Hirano, and respectfully submit that Claims 1 and 6-10 are patentable over Hirano for at least the following rationale.

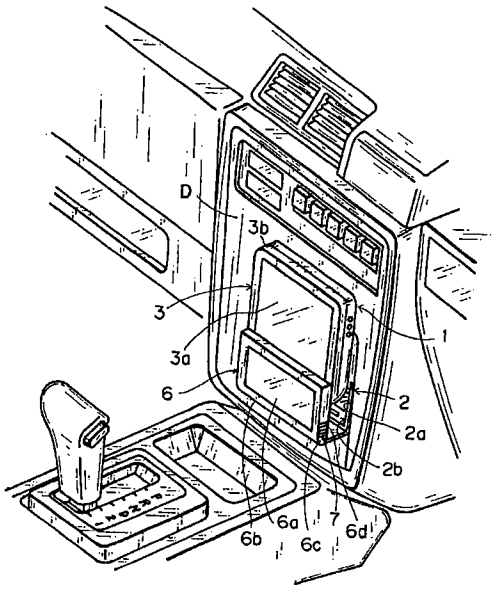
I. "DISPLAY INFORMATION FROM THE SECOND DISPLAY SCREEN ON THE FIRST DISPLAY SCREEN"

The instant Office Action states:

> [a]s to claims 1 and 9-10, Hirano discloses an apparatus comprising: ... functionality of the control switch and/or display information are offered from the second display screen on the first display screen when the first display screen is in the second position ....

Id., page 3, section 4, *citing* Hirano, column 1, lines 17-22; column 3, lines 59-67. However, Applicants respectfully submit that Hirano fails to teach or suggest "offer[ing] functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position", as claimed (emphasis added), for at least the following rationale.

F I G. 1



With reference to the aforementioned cited portions of Hirano, as referenced in the instant Office Action, Applicants respectfully point out that Hirano teaches:

> The display panel 3a serves to display the various items of information of the car navigation system and serves as a display portion of a television receiver. ... The display panel 6a serves to display the various items of information such as the setting status of a CD deck which is an electric appliance and various items of information such as the setting information and the operating information of an air conditioner.

Hirano, column 3, line 63 – column 4, line 13 (emphasis added). Assuming arguendo that Hirano teaches the use of two display screens (e.g., display panels 3a and 6a, as shown in Figure 1 of Hirano, reproduced *supra*), Applicants nevertheless respectfully submit that Hirano fails to teach or suggest that display panel 6a displays information from display panel 3a.

To illustrate, Applicants understand Hirano to teach that display panel 6a displays items such as the setting status of a CD deck or the setting information and the

operating information of an air conditioner. However, Applicants respectfully point out that Hirano fails to teach that display panel 6a serves to display navigation system or television information from display panel 3a.

II. "CONTROL DEVICE

The foregoing notwithstanding, the instant Office Action states:

> Hirano does not specifically teach a control device configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position.

Id., page 3, section 4 (emphasis added). Applicants respectfully agree with this interpretation of Hirano.

The instant Office Action further states:

> it would have been obvious to one skill in the art to recognize that the display apparatus of Hirano has to have a control device that is configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position.

Id., page 3, section 4 (emphasis added). Applicants respectfully disagree with this assertion regarding the embodiment recited in Claim 1, and similarly Claims 9 and 10.

In particular, Applicants respectfully submit that the instant Office Action attempts to take Official Notice of "a control device that is configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position" (see *id.*, emphasis added), although not expressly stating so. Moreover, Applicants respectfully submit that

the instant Office Action fails to provide adequate support for a finding of such Official Notice for at least the following rationale.

As stated in MPEP § 2144.03(A):

> It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.

Id. (emphasis added), *citing* In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970). *See also* MPEP § 2144.03(A), *citing* In re Zurko, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001) ("[T]he Board cannot simply reach conclusions based on its own understanding or experience-or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings.") (emphasis added). The foregoing notwithstanding, MPEP § 2144.03(C) provides:

> If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding.

See id., *citing* 37 CFR 1.104(d)(2).

With respect to the embodiments as recited in Claims 1, 9 and 10, Applicants respectfully submit that the basis for the Official Notice, as is tacitly relied upon in the instant Office Action, is not supported by sufficient evidence of record, as required. Accordingly, Applicants respectfully request that the Examiner provide adequate evidence in support of the finding of Official Notice (such as an affidavit or declaration in

accordance with 37 C.F.R. § 104(d)(2), or a citation to another reference work as required by MPEP § 2144.03(A)) so that Applicants may adequately respond.

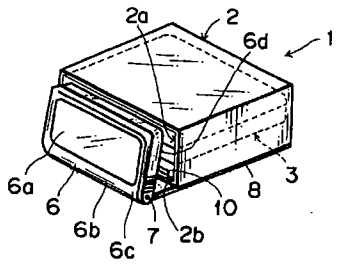
III. "CONTROL SWITCH"

The foregoing notwithstanding, the instant Office Action states:

> Hirano discloses ... a first display screen (fig. 1(6a)) ... wherein the first display screen at least partially covers a control switch (fig. 2(10), col. 3, lines 59-67) ....

Id., page 3, section 4 (emphasis added). However, Applicants do not understand Hirano to teach or suggest a "control switch", as claimed, for at least the following rationale.

F I G. 2



Applicants understand Hirano to teach "an electric appliance 10 such as a tuner of a car audio or a CD deck." *Id.*, column 3, lines 47-48 (emphasis added). *See also* Figure 2 of Hirano, reproduced *supra*. However, Applicants do not understand an electric appliance such as a tuner to necessarily comprise or include a "control switch", as claimed (emphasis added).

Indeed, Applicants respectfully request that the Examiner point to a specific portion of Hirano that teaches that electric appliance 10 comprises or includes a "control switch", as claimed. If, however, the Examiner wishes to take Official Notice that

electric appliance 10, as disclosed in Hirano, may comprise or include a control switch, Applicants respectfully request that the Examiner provide adequate evidence in support of the finding of Official Notice (such as an affidavit or declaration in accordance with 37 C.F.R. § 104(d)(2), or a citation to another reference work as required by MPEP § 2144.03(A)) so that Applicants may adequately respond.

IV. "OFFER FUNCTIONALITY OF THE CONTROL SWITCH"

The foregoing notwithstanding, the instant Office Action further states:

> Hirano discloses ... the first display screen at least partially covers a control switch ... when the first display is in the second position ... and functionality of the control switch and/or display information are offered from the second display screen on the first display screen when the first display screen is in the second position (col. 1, lines 17-22, col. 3, lines 59-67) ....

Id., page 3, section 4.

However, Applicants respectfully submit that Hirano fails to teach or suggest "offer[ing] functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position", as claimed (emphasis added). For example, Applicants respectfully submit that Hirano fails to teach or suggest that functionality of electric appliance 10 is offered on display screen 6a.

For at least the foregoing rationale, Applicants respectfully submit that the features "a control device that is configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position", as recited in Claim 1 (and

similarly in Claims 9 and 10), are not disclosed or suggested by Hirano, and in particular, that the embodiments recited in Claims 1, 9 and 10 are not obvious in view of the display device disclosed in Hirano.

Thus, Applicants respectfully submit that Claim 1, and similarly Claims 9 and 10, is not unpatentable in view of Hirano under 35 U.S.C. § 103(a). As such, allowance of Claims 1, 9 and 10 is respectfully requested.

With respect to Claims 6-8, Applicants respectfully point out that Claims 6-8 depend from allowable independent Claim 1, and recite further features. Therefore, Applicants respectfully submit that Claims 6-8 overcome the rejections under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance as being dependent on an allowable base claim.

Hirano in view of Morimoto et al.

The instant Office Action states that Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Morimoto et al. (U.S. Patent No. 5,757,359; hereinafter "Morimoto"). Applicants have reviewed the cited art, and respectfully submit that Claim 2 is patentable over Hirano in view of Morimoto for at least the following rationale.

Claim 2 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Morimoto does not teach or suggest

the features of Claim 1, it is demonstrated that Hirano in view of Morimoto does not teach or suggest the features of Claim 2.

Applicants respectfully submit that Hirano, alone or in combination with Morimoto, fails to teach or suggest the features of Claim 1 at least because Morimoto fails to overcome the shortcomings of Hirano, as discussed *supra*. In particular, Applicants respectfully point out that Morimoto teaches a "[v]ehicular information display system". See title of Morimoto. However, Applicants respectfully submit that the vehicular information display system, as taught by Morimoto, fails to teach or suggest "a control device that is configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position", as recited in Claim 1.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1 is not unpatentable over Hirano in view of Morimoto pursuant to 35 U.S.C. § 103(a).

With respect to Claim 2, Applicants respectfully point out that Claim 2 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, Applicants respectfully point out that Claim 2 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 2 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 2 is respectfully requested.

Hirano in view of Son et al.

The instant Office Action states that Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Son et al. (U.S. Patent Application No. 2004/0164974; hereinafter "Son"). Applicants have reviewed the cited art, and respectfully submit that Claim 3 is patentable over Hirano in view of Son for at least the following rationale.

Claim 3 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Son does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Son does not teach or suggest the features of Claim 3.

Applicants respectfully submit that Hirano, alone or in combination with Son, fails to teach or suggest the features of Claim 1 at least because Son fails to overcome the shortcomings of Hirano, as discussed *supra*. In particular, Applicants respectfully point out that Son teaches an "[a]utomatic controllable display device according to image display direction". See title of Son. However, Applicants respectfully submit that the automatic controllable display device according to image display direction, as taught by Son, fails to teach or suggest "a control device that is configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position", as recited in Claim 1.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1 is not unpatentable over Hirano in view of Son pursuant to 35 U.S.C. § 103(a).

With respect to Claim 3, Applicants respectfully point out that Claim 3 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, Applicants respectfully point out that Claim 3 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 3 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 3 is respectfully requested.

Hirano in view of Watanabe et al.

The instant Office Action states that Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Watanabe et al. (U.S. Patent No. 6,373,213; hereinafter "Watanabe"). Applicants have reviewed the cited art, and respectfully submit that Claim 4 is patentable over Hirano in view of Watanabe for at least the following rationale.

Claim 4 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Watanabe does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Watanabe does not teach or suggest the features of Claim 4.

Applicants respectfully submit that Hirano, alone or in combination with Watanabe, fails to teach or suggest the features of Claim 1 at least because Watanabe

fails to overcome the shortcomings of Hirano, as discussed *supra*. In particular, Applicants respectfully point out that Watanabe teaches a "[r]otation controlling apparatus and electronic apparatus". See title of Watanabe. However, Applicants respectfully submit that the rotation controlling apparatus and electronic apparatus, as taught by Watanabe, fails to teach or suggest "a control device that is configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position", as recited in Claim 1.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1 is not unpatentable over Hirano in view of Watanabe pursuant to 35 U.S.C. § 103(a).

With respect to Claim 4, Applicants respectfully point out that Claim 4 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, Applicants respectfully point out that Claim 4 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 4 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 4 is respectfully requested.

Hirano in view of Ogawa et al.

The instant Office Action states that Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Ogawa et al. (U.S. Patent No. 6,628,245; hereinafter "Ogawa"). Applicants have reviewed the cited art, and respectfully submit

that Claim 5 is patentable over Hirano in view of Ogawa for at least the following rationale.

Claim 5 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Ogawa does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Ogawa does not teach or suggest the features of Claim 5.

Applicants respectfully submit that Hirano, alone or in combination with Ogawa, fails to teach or suggest the features of Claim 1 at least because Ogawa fails to overcome the shortcomings of Hirano, as discussed *supra*. In particular, Applicants respectfully point out that Ogawa teaches a "[m]ultifunction switch device with display function". See title of Ogawa. However, Applicants respectfully submit that the multifunction switch device with display function, as taught by Ogawa, fails to teach or suggest "a control device that is configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position", as recited in Claim 1.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1 is not unpatentable over Hirano in view of Ogawa pursuant to 35 U.S.C. § 103(a).

With respect to Claim 5, Applicants respectfully point out that Claim 5 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, Applicants

respectfully point out that Claim 5 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 5 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 5 is respectfully requested.

CONCLUSION

In light of the above-listed remarks, reconsideration of the objection to the Specification of the instant Application is respectfully requested. Moreover, based on the arguments presented above, it is respectfully requested that the objection to the Specification be withdrawn.

Additionally, in light of the above-listed remarks, reconsideration of rejected Claims 1-10 is respectfully requested. Moreover, based on the arguments presented above, it is respectfully submitted that Claims 1-10 overcome the rejections of record. Therefore, allowance of Claims 1-10 is respectfully solicited.

Should the Examiner have a question regarding the instant Response, Applicants invite the Examiner to contact the Applicants' undersigned representative at the below-listed telephone number.

The foregoing notwithstanding, kindly note that the Commissioner is hereby authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is hereby authorized to treat this response as including a petition to extend the time period for response, pursuant to 37 CFR 1.136(a), said petition requesting an extension of time of the number of months available to allow this response to be timely filed, and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

Respectfully submitted,

LADAS & PARRY LLP

Date: September 30, 2008

By: /Jerry A. Crandall/

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